

House having concurred in Senate amendments to the 27th section.

N. G. SHELLEY, Chairman on part of Senate.

J. D. GIDDINGS, Chairman on part of House.

On motion of Senator Guinn the report was taken up and adopted.

Upon motion of Senator Cook, rule was suspended, and House bill to organize and define the powers of a Court of Criminal Jurisdiction for the Counties of Harris and Galveston, and to prescribe the duties thereof, on its second reading, with amendments recommended by the Judiciary Committee, was taken up, amendments made, and bill as amended read second time and passed to a third reading; rule further suspended, read third time by caption and passed.

The Chair announced the following Select Committee, to whom was referred a bill incorporating the "Powderhorn Bayou Dredging Company," Senators Foscue, Reed and McDade.

Upon motion of Senator McDade, the Senate adjourned until Monday morning, October 15th, 10 o'clock.

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SENATE CHAMBER, }  
October 15, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of Saturday read and adopted.

Message received from His Excellency the Governor, and upon motion of Senator Shelley, was made the special order for 11 o'clock to-morrow.

Senator Voigt presented petition of citizens of Angelina county.

Referred to Finance Committee.

Senator Truitt, Chairman of Committee on Private Land Claims, reports and recommends the passage of a bill for the relief of Lucien Hopson.

Senator Shannon made the following report:

*Hon. G. W. Jones, President of the Senate:*

The Committee on Indian Affairs, to whom was referred the House bill entitled "An Act to provide for the Tonkawa Indians," have had the same under consideration, and a majority of said committee instruct me to report the bill back to the Senate with the following amendments, and recommend its passage:

Add to the end of 1st section "for which service said agent shall receive not more than five hundred dollars per annum, which amount is hereby appropriated, and may be paid quarterly upon the approval of the Governor."

In 10th line, 2d section, strike out the words "sale of such."  
Strike out section 4th of the bill.

WM. R. SHANNON, Chairman.

Senator Foscue, Chairman of Committee on Education, reports and recommends the passage of a bill to provide for a Superintendent of Public Instruction.

Also reports :

*To the President of the Senate :*

The Committee of Conference appointed to consider the disagreeing votes of the two Houses, on the bill to incorporate the Trinity River Slackwater Navigation Company, have given the same careful attention, and unanimously agreed to add the following provisions to the 6th section of the bill, in lieu of the amendment upon which the disagreement was had, to-wit :

"Provided, that whenever any lock and dam is so damaged or out of order that there is less than three feet water in the channel above it, no toll shall be charged for said locks and dams in high-water until the same are repaired by the Company, and examined by the State Engineer, or other authorized person, and pronounced to be in good order, and only half the rate of tolls allowed by this charter shall be charged when the water is high enough to permit boats to pass over said locks and dams."

The adoption of the above, and the passage of the bill as amended thereby, is respectfully recommended.

F. F. FOSCUE,

Chairman on part of Senate.

F. CHARLES HUME,

Chairman on part of House.

On motion of Senator Foscue, the report was taken up and adopted.

Also reports :

*To President of the Senate :*

The Select Committee, to whom was recommitted a bill to be entitled "An Act to define the duties of the Receiving Clerk of the General Land Office," have, after the most careful consideration, instructed me to report the bill back to the Senate and recommend the adoption of the amendment that was pending to the caption at the time of the recommitment, and when so amended to pass the bill.

F. F. FOSCUE, one of Committee.

Senator Shelley made the following report :  
*To the President of the Senate and Speaker of the House of Representatives :*

The Committee of Conference on the matters of disagreement between the two Houses upon joint resolution authorizing the Governor to investigate the seizure of cotton belonging to the State of Texas by the Federal authorities, have had the same under consideration, and instruct me to report the accompanying substitute for the Senate amendments, and to recommend its adoption.

N. G. SHELLEY,

Chairman on part of Senate.

ASHBEL SMITH,

Chairman on part of House.

Substitute the amendments by the Senate by a fourth resolution : "That the sum of five hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out the object of these resolutions, and that they take effect and be in force from their passage.

Upon motion of Senator Jowers, the report was taken up and adopted.

Senator Foscue made the following report :  
*To the President of the Senate :*

The Special Committee, to whom was recommitted a bill from the House to be entitled "An Act to incorporate the Powderhorn Bayou Dredging Company," together with the amendments to said bill then pending, have had the bill and amendments under consideration, and the committee instruct me to report the bill back with the following amendments, and so amended recommend its passage.

F. F. FOSCUE, Chairman.

Amend 1st section by striking out the word "constitute," in 16th line, and insert in lieu thereof "organize."

Strike out in same section from the charter parties the names of James McCoppen and E. Wood, and insert the names of F. S. Stockdale, W. M. Cook, George Mason, Henry Beaumont, W. R. Johnson and R. A. Porter.

Amend 1st section, at the end of 22d line, by adding after the word "commissioners," the words "or a majority of them."

Amend 2d section by inserting after the word "channel," in 5th line, the following: "From the ship anchorage to the edge of the water at ordinary low tide."

Amend by striking out "Matagorda," in 9th line, same section, and insert "Powderhorn."

Amend 4th section, by striking out of 7th line the word "indorsement;" and in lieu thereof, "a transfer on the books of the Company."

Amend the 8th section by striking out all after the word "years," in the third line.

Amend 10th section, by striking out all after the word "county," in the 6th line from the top of fourth page, and insert the following:

"And upon the condition that said Company shall make a channel eight feet deep and one hundred feet wide, and make a good substantial embankment on both sides of said channel from the ship anchorage, in eight feet water to the margin of ordinary low tide, there is hereby set apart and granted to the use of said company sixty feet on each side of said channel across the flats from the ship anchorage, in Matagorda bay, aforesaid, to the margin of the water at ordinary low tide, and said company shall have the power to appropriate such private property in and along said bayou not exceeding in width sixty feet on the north side of the channel, so cut and arranged as may be necessary for embankments and wharves, upon paying the owner thereof the cash valuation of the property, and for any further amount of damage which said owner or claimant may sustain in consequence of such appropriation, and in case of disagreement between said company and the claimant or owner, to apply to the County Judge of Calhoun county for the appointment of three freeholders, and the County Judge shall thereupon appoint a time and place, giving both parties reasonable notice thereof, to hear and determine the question, and the said freeholders shall, after being sworn, and hearing the parties, determine the compensation, and return the award to the next term of the court, and said award may be confirmed, or on any reasonable grounds, rejected by said court; and if confirmed by the court, judgment shall be rendered thereon as in other cases. In determining the amount of compensation, said referees shall be governed by the actual value of the property at the time it was taken, and whatever benefit or injury may result to the adjoining property of the person from whom the property has been taken by said appropriation; provided the said Dredging Company shall have the right to use the south side of said bayou for the purpose of making all necessary and proper embankments thereon for the purpose of improving the navigation of said bayou.

Amend 11th section, by striking out the words "fifty," in the twelfth and thirteenth lines, and insert "twenty-five."

Upon motion of Senator Reed, the bill and report was taken up, amendments recommended by the committee adopted, bill as amended read second time, and passed to a third reading; rule suspended, bill read third time, and passed by the following two-third vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Burney, Coppedge, Guinn, Jowers, Littleton, McDade, Nelson, Neyland, Parker, Record, Reed, Sanfley, Shelley, Stell, Truitt, Voigt and Yarbrow—22.

NAYS—None.

Senator Neyland made the following reports:

COMMITTEE ROOM, }  
Austin, Oct. 15th, 1866. }

*Hon. G. W. Jones, President of Senate :*

The Committee on Engrossed Bills have examined and find correctly engrossed the following bills, viz:

A bill to be entitled "An act to incorporate the city of Navasota, in Grimes county."

A bill to be entitled "An act for the relief of the heirs of Ross M. Bridges, deceased."

A bill to be entitled "An act amendatory of and supplemental to an act to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande rivers," approved 11th February, 1860.

A bill to be entitled "An act granting a charter to James Farris and P. H. Mull to build a toll bridge across the east fork of the Trinity river, at or near where the stage road crosses said stream, leading from McKinney, in Collin county, to Bonham, in Fannin county, Texas."

A bill to be entitled "An act to incorporate the Searsville Male and Female Academy," and

A bill to be entitled "An act for the relief of the heirs of Jas. T. White, deceased." Respectfully submitted.

W. M. NEYLAND, Chairman.

COMMITTEE ROOM, }  
Austin, Oct. 13th, 1866. }

*Hon. G. W. Jones, President of Senate:*

The Committee on Engrossed Bills have examined and find correctly engrossed a bill to be entitled "An act for the relief of the widow and children of Thomas Steen, Jr., deceased, late of Smith county, State of Texas." Respectfully submitted.

W. M. NEYLAND, Chairman.

Senator Neyland introduced a bill to incorporate the Galveston and Eastern Texas Tap Railroad Company.

Read first time, and referred to Committee on Internal Improvements.

Senator Stell introduced a bill to incorporate the Gonzales Manufacturing Company.

Read first time, and referred to Committee on Manufactures and Commerce.

Senator Foscue introduced a bill to establish the measure of damages in certain cases.

Read first time, and referred to Judiciary Committee.

Senator Shelley introduced a bill to amend the 13th section of an act entitled "An act to organize the District Courts, and define their powers and jurisdiction," passed May 11th, 1846.

Read first time, and referred to Judiciary Committee.

Senator Coppedge offered the following resolution:

*Resolved*, That the Committee on State Affairs be requested to take under consideration the importance of protecting the State against fraud and losses by corporation and railroad companies, whose bonds are or may be guaranteed by the State under the general provisions of the Constitution; that they further consider in what manner and at what time railroad companies shall make report of the financial condition of their roads, and how the same shall be published for general information; also what regulation of law is necessary to authorize the Comptroller of the State to take possession of railroads in default of paying any interest or bonds which may be guaranteed by the State.

That they further consider the propriety of enacting a law to authorize the Governor, or his agent, to attend all sales under mortgage, as by authority of the State, to buy the Corporation or Railroad in the name of the State, if the same should not, at such sale, bring the amount for which the State has guaranteed their bonds, and report by bill or otherwise.

Resolution adopted.

Upon motion of Senator Record, rule was suspended, and House bill incorporating the El Paso Irrigating and Manufacturing Company, with amendments recommended by the Committee on State Affairs, on its second reading, was taken up.

Upon motion of Senator Shelley, the amendment recommended by the Committee on State Affairs was amended by adding to the incorporators the names of H. S. Gillett, Hugh Stephenson and George Hancock.

Amendment, as amended, adopted.

Senator Parker moved to strike out the word "River," wherever it occurs after the words "Rio Grande."

Amendment made.

Senator Knox moved to strike out the words "Presidio county," wherever they occur in the bill.

Senator Record moved to strike out "El Paso county," wherever the words occur in the bill.

Senator Shelley moved to amend by adding the following:

"*Provided*, The franchise herein granted shall not interfere in any manner with the right of other persons to construct, own and maintain canals for the purposes of irrigation, establishing manufacturing establishments, anywhere in the valley of the Rio Grande."

Strike out 99, and insert 50 years.

Upon motion of Senator Guinn, bill and amendments referred to Committee on Internal Improvements.

The hour having arrived for the consideration of the special order, viz, a bill to provide for the manufacture of iron by the State, upon motion of Senator Guinn, bill was laid on the table for the present.

Senator Parker made the following report:

COMMITTEE ROOM, }  
October 15th, 1866. }

*To Hon. G. W. Jones, President Senate:*

The Committee on Enrolled Bills have examined the following bill, to-wit, "An act to revive the incorporation of the town of Linden, Davis county, formerly Cass county," passed the 24th January, 1856, and find the same correctly enrolled and properly signed, and have presented the same to the Governor for his approval.

F. J. PARKER,

Chairman Committee Enrolled Bills.

A message was received from the House announcing the passage of the following bills:

Senate bill to incorporate the Tyler Manufacturing Company.

Senate bill, supplementary to and amendatory of "An act to incorporate the Brazos Bridge Company," approved September 26th, 1866.

Senate bill, to incorporate the Yegua Bridge Company, with amendments.

House bill, to levy taxes.

House bill to revive and amend the Charter of the Indianola Railroad Company.

Joint Resolution, originating in the House, recommending the appointment of the State Geologist, and for other purposes.

The message also announced that the House had concurred in the Senate resolution appointing a joint committee to correspond with the Postmaster General on the subject of mail service in Texas, and that Messrs. Wheelock and Barrett had been appointed as Committee from the House.

That the House had also adopted the report of the Committee of Conference on the disagreement of the two Houses on a bill incorporating the city of Houston; and had concurred in the Senate amendment to House bill concerning alien passengers; had adopted the report of the Joint Committee of Conference on the disagreement of the two Houses on a bill incorporating the Trinity River Slack-water Navigation Company; and that the House had concurred in the Senate amendments to the House bill incorporating the Houston and Great Northern Railroad Company.

Senator Knox presented petition of E. A. Stevens, asking relief, &c.

Petition referred to Committee on Finance.

Senator Guinn offered the following resolution:

*Resolved*, That the Senate will not take any more papers or public documents this session, after Thursday next."

Adopted.

Upon motion of Senator Guinn, rule was suspended, and House bill incorporating the San Marcos Irrigating, Manufacturing and Navigation Company, with amendments recommended by the Committee on Commerce and Manufactures, taken up.

Amendments made.

Bill as amended read second time, and passed to a third reading; rule further suspended, read third time, and passed by the following two-thirds vote:

YEAS—Senators Braswell, Boyd, Brown, Bumpass, Burney, Coppedge, Foscue, Guinn, Knox, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Shannon, Shelley, Truitt, Voigt—21.

NAYS—Senator Cooley—1.

Upon motion of Senator Foscue, rule was suspended, and House bill granting lands to Railroad Companies, on its second reading, taken up and read.

Upon motion of Senator Neyland, further consideration of the bill was postponed, and made the special order for to-morrow, at 11 o'clock.

Upon motion of Senator Knox, rule was suspended, and a bill incorporating the San Pedro Railroad Company, on its second reading, was taken up, read second time, and ordered to



be engrossed; rule further suspended, read third time, and passed by the following two-thirds vote:

YEAS—Senators Braswell, Brown, Bumpass, Burney, Coppedge, Foscue, Guinn, Jowers, Knox, Littleton, Nelson, Neyland, Parker, Randolph, Record, Reed, Selman, Shelley, Stell, Truitt, Voigt and Yarbro—22.

NAYS—None.

Upon motion of Senator Record, Senate adjourned until 10 o'clock, A. M., to-morrow.

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SENATE CHAMBER, }  
October 16, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Foscue, one of the Committee on Internal Improvements reports, and recommends the passage of a bill to incorporate the Galveston and Eastern Texas Tap Railroad Company.

Senator Braswell, Chairman of Committee on Internal Improvements reports, and recommends the passage of House bill making an appropriation to defray the expenses of removing the obstructions in the channel at Sabine Pass.

Upon motion of Senator Foscue, rule was suspended, and House bill making appropriation to defray the expenses of removing the obstructions in the channel at Sabine Pass, was taken up and read.

Senator Parker moved to amend as follows:

Amend by adding after the words "three thousand dollars," also the sum of three thousand dollars, to remove the obstructions in the channel at Galveston, placed there by the same authority, and the further sum of three thousand dollars for clearing out the obstructions in Matagorda Bay, placed there by the same authority.

Senator Reed moved to amend the amendment as follows:

"Add two thousand dollars to remove the obstructions from the mouth of the Guadalupe river, placed there by the enemy."

Adopted.

Yeas and nays being called upon adoption of Senator Parker's amendment as amended, was lost by the following vote:

YEAS—Senators Blount, Bumpass, Cooley, Knox, and Reed—5.